

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP No.20123 of 2017

Date of decision: 06.09.2017

Gurlal Singh

....Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.N.S.Behgal, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks writ in the nature of Mandamus, under Article 226 of the Constitution of India, directing the respondents to count the work-charge period of the petitioner rendered by him from 01.12.1980 to 01.05.1993, towards qualifying service and for the purpose of refixation of pension and grant of interest. Reliance has been placed upon the judgment of the Full Bench in **Kesar Chand Vs. State of Punjab 1988 (2) PLR 223.**

It is the case of the petitioner that he had worked for the above-said period regularly, without any break, with respondent No.2-Nigam as T-Mate. His services were regularized in the month of July, 1997 and thereafter, he was promoted in the month of July, 2011 as Linesman. He retired in February, 2014, after attaining the age of superannuation and the last place of posting was with Executive Engineer, City Division, Sector 12, Karnal, Haryana. Reliance is placed upon the communication dated 09.05.2017 (Annexure P-1), wherein reference of the daily wage service of the petitioner from July, 1982 to April, 1993 and the letter dated 18.04.2014 (Annexure P-2), issued by the respondent-Nigam, that the work-charge period is countable towards pensionary benefits.

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Counsel submits that representation dated 18.04.2014 (Annexure P-3) has been served upon respondent No.6 and thereafter, legal notice has also been served on 25.01.2017 (Annexure P-4), which remains un-responded. Counsel, accordingly, submits that the petitioner would be satisfied if the same is decided within a fixed time-frame.

Keeping in view the above, this Court is of the opinion that no useful purpose would be served by calling upon the respondents to file reply, as it would only delay the proceedings.

Accordingly, without commenting upon the merits of the case or the entitlement of the petitioner, directions are issued to the competent authorities, i.e., respondents No.2 & 4, to take a decision on the legal notice dated 25.01.2017 (Annexure P-4), within a period of 4 months from the receipt of a certified copy of this order. In case an adverse order is to be passed, same should contain reasons and be communicated to the petitioner.

06.09.2017

Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*